

Kern Augustine Conroy & Schoppmann, P.C.

"ATTORNEYS TO HEALTH PROFESSIONALS"

Steven I. Kern (1988 – 2011)
Algis K. Augustine (IL, CO & NY Bars)
Robert J. Conroy (NJ, NY, PA, CA, FL & DC Bars)
Michael J. Schoppmann (NJ, NY, PA & DC Bars)
Mathew J. Levy (NY, PA & DC Bars)
R. Bruce Crelin (NJ Bar)
Denise Sanders (NJ & PA Bars)
Donald R. Moy (NY Bar)
David L. Adelson (NY & NJ Bars)
Daniel G. Giaquinto (NJ & PA Bars)
Charles H. Newman (NJ, NY & PA Bars)
Edward R. Hopkins (NY Bar)
Thomas M. Gallo, RPA (NY Bar)
Matthew T. Talty (NY Bar)
Lawrence F. Kobak, DPM (NY Bar)
David N. Vozza (NY Bar)
Matthew R. Streger (NJ Bar)
Svetlana Ros (NJ & NY Bars)
Stacey Lipitz Marder (NJ & NY Bars)
Of Counsel: James S. Wulach, Ph.D. (NJ Bar)

New Jersey:

1120 Route 22 East, Bridgewater, NJ 08807
Tel: (908) 704-8585, Fax: (908) 704-8899

New York:

1325 Franklin Avenue, Suite 255, Garden City, NY 11530
Tel: (516) 294-5432, Fax: (516) 294-5414

Pennsylvania:

1500 Market Street, 12th Fl, Philadelphia, PA 19102
Tel: (215) 665-5790, Fax: (800) 941-8287

Illinois Affiliate:

Augustine, Kern and Levens, Ltd.
218 N. Jefferson Street, Chicago, IL 60661
Tel: (312) 648-1111, Fax: (312) 648-1057

E-mail: kacs@drlaw.com

Website: www.drlaw.com

Please Reply to: New Jersey Office

May 12, 2011

VIA ELECTRONIC FILING

Hon. Madeline Cox Arleo, U.S.M.J.
United States District Court
District of New Jersey
Martin Luther King Jr. Federal Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07102

Re: *Dr. Fadi Chaaban, et al. v. Mario A. Criscito, M.D.*
Case No. 2:08-cv-1567 (GEB-MCA)

Dear Magistrate Judge Cox-Arleo:

I am writing in regard to Mr. Agnello's letter to you dated May 11, 2011. The proceedings before the District Court in this action, with the exception of the plaintiffs' application for an award of attorneys' fees and costs, have terminated. Accordingly, this firm has no obligation to represent Dr. Criscito with respect to any post-judgment collection efforts. We have been retained to represent him in connection with his appeal to the United States District Court for the Third Circuit, and we will be representing him in connection with the fee application, as that is an extension of the underlying District Court action.

It is our understanding that Dr. Criscito is in the process of retaining Bonnie M. Weir, Esq. of The Weir Law Firm, LLC, 172 Washington Valley Road, Suite 3, Warren, NJ 07059-7133, to represent him in connection with the post-judgment collection matters. Once Ms. Weir has been retained, she will be in contact with Mr. Agnello regarding the post-judgment collection issues. It is also our understanding that Dr.

**Kern Augustine Conroy
& Schoppmann, P.C.**

Page 2

Criscito is in the process of obtaining a supersedeas bond in an amount necessary to cover the judgment, any potential award of attorneys' fees and costs and any post-judgment interest which might accrue over the course of the appeal. In light of Mr. Agnello's letter, I am sure plaintiffs' counsel will be willing to approve this bond when it is issued. If the plaintiffs' counsel does not consent to the posting of the bond, then a motion can be made in the ordinary course.

In light of these developments, it would appear that the concerns raised in Mr. Agnello's letter are now moot, and that it would be unnecessary to conduct a case management conference on this issue.

I thank you for your attention to this matter.

Respectfully submitted,

KERN AUGUSTINE
CONROY & SCHOPPMANN, P.C.

By: / s/ R. Bruce Crelin
R. Bruce Crelin

cc: John M. Agnello, Esq. (via electronic filing)
Stephen M. Charme, Esq. (via electronic filing)
Melissa Flax, Esq. (via electronic filing)
Bonnie M. Weir, Esq. (via e-mail)
Mario A. Criscito, M.D. (via First Class Mail)